



CITY COUNCIL REGULAR MEETING AGENDA
JANUARY 10, 2023 @ 5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

A member of the public wishing to participate in the meeting may do so via the options below or view the [live broadcast](#).

- *In person*: Complete a speaker/comment registration card and turn in to the City Secretary before the meeting begins.
- *Submit questions/comments online*: Complete a speaker/comment registration card found on the [City's online Agenda Center](#). Registration cards received by 4:00 p.m. the same day will be distributed to the Council for consideration.
- *Address the Council by phone*: Submit a registration card as directed above and by 4:45 p.m. call [\(346\) 248-7799](tel:3462487799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

Scott Cain, Mayor
Derek Weathers, SMD 1
Mike Mann, Mayor Pro Tem/SMD 3
John Warren, SMD 4

Administration:

Steve Polasek, City Manager
Ashley Dierker, City Attorney
Ivy Peterson, City Secretary

II. INVOCATION by Bishop Aaron Blake Sr, Harvest Family Life Ministries

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

MN1. CONSIDER MINUTES FOR THE DECEMBER 13, 2022 REGULAR COUNCIL MEETING.

MN2. CONSIDER MINUTES FOR THE OCTOBER 28, 2022 TAX INCREMENT FINANCING ZONE NUMBER TWO.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JANUARY 24, 2023.

Presented by: Steve Polasek, City Manager

Summary: On March 23, 2020, the Mayor executed a Declaration of Local Disaster (“Declaration”) for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott’s executive orders, the City Council has approved extensions to said Declaration, and continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the existing Declaration to the next regular council meeting date of January 24, 2023 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH NOUVEAU CONSTRUCTION AND TECHNOLOGY SERVICES, LP FOR AN AMOUNT NOT TO EXCEED \$65,702 FOR THE REPLACEMENT OF THREE OVERHEAD DOORS AT FIRE STATION #3.

Presented by: Scott Lail, Fire Chief

Summary: Staff requests approval to award a contract to Nouveau Construction & Technology Services, LP for \$65,702 to replace the overhead doors at Fire Station #3. The current doors have reached the end of their designed use through age and the number of opening and closing cycles. This replacement of Station 3’s front overhead doors will complete the replacement of all overhead doors at all three fire stations. Nouveau Construction has previously provided satisfactory services and this company is on TIPS contract # RCSP 211001, so all competitive purchasing requirements have been met.

RS3. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH RIO TOWER AND STEEL FOR AN AMOUNT NOT TO EXCEED \$54,670 FOR THE REPLACEMENT OF OBSTRUCTION LIGHTING SYSTEMS AT THE CLEBURNE AND ALVARADO RADIO TOWERS.

Presented by: Scott Lail, Fire Chief

Summary: Sealed bids were solicited for replacing the obstruction lighting systems on the Cleburne and Alvarado radio towers. Bids were received from four (4) vendors and the lowest, most responsible bid was from Rio Tower and Steel in the amount of \$54,670. The current obstruction lighting systems (constructed in 2007) have reached the end of their designed use, and repair parts are not readily available. Federal Aviation Administration (FAA) requires these radio towers to have approved obstruction warning lighting for aircraft at all times. The cost of

this project will be equally shared with Johnson County and Johnson County Emergency Services District #1 through an interlocal agreement for radio services. After reimbursements from these agencies, our cost for this project will be approximately \$18,223.

RS4. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF AN OPERATION PERMIT FOR 2023 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING BACKUP AMBULANCE SERVICE FOR THE CITY OF CLEBURNE FIRE DEPARTMENT.

Presented by: Scott Lail, Fire Chief

Summary: CareFlite is requesting renewal of an operations permit to provide backup ambulance services within the City of Cleburne when the Cleburne Fire Department units are unavailable. There is no cost to the City as a result of granting said permit. CareFlite has satisfied all requirements for the 2023 renewal and have held an operations permit since 2003.

RS5. CONSIDER A RESOLUTION AUTHORIZING THE RENEWAL OF CITYWORKS LICENSING, MAINTENANCE, AND SUPPORT FOR ONE YEAR FROM AZTECA SYSTEMS, LLC IN AN AMOUNT NOT TO EXCEED \$94,198.

Presented by: David Raybuck, Director of Information Technology

Summary: Cityworks is an enterprise application for asset management, work orders, inspections, permitting, and planning/development tracking that the City started implementing in 2019. The software is now in use by these divisions: Airport, Animal Services, Building Permits, Code Compliance, Engineering, Fire Prevention, Fleet Maintenance, Health, Meter Services, Planning & Zoning, Parks & Recreation, Sanitation, Sports Complex, Streets/Drainage, Wastewater Collection, Wastewater Treatment, Water Distribution, and Water Treatment. The initial three-year term will end on January 31, 2023 and it can be renewed annually henceforth. This resolution will authorize the renewal of Cityworks licensing, maintenance, and support for the period of February 1, 2023 to January 31, 2024. The not to exceed amount of \$94,198 includes a 5% contingency of \$4,486 over the quoted cost of \$89,172. This is a sole-source purchase, as Azteca Systems, LLC is the only seller of Cityworks licensing and support.

RS6. CONSIDER A RESOLUTION EXTENDING THE INFILL LOT IMPACT FEE REBATE INCENTIVE PROGRAM UNTIL SEPTEMBER 30, 2023, TO COINCIDE WITH THE END OF THE FISCAL YEAR.

Presented by: Grady Easdon, Economic Development Manager

Summary: The Program has successfully encouraged development of so-called “infill lots” throughout the City over the past three (3) years and has served as an incentive to builders to construct new homes in what were previously underserved areas. In years past, the costs of construction including impact fees, combined with low property values in these areas, made it difficult for builders to realize enough profitability to justify building in these neighborhoods without financial incentives.

The Program initially had a sunset provision of three years from the date of inception, which would have been January 31, 2023, but since there is still funding for the Program for

Fiscal Year 2023, the City Council directed staff at their December 13, 2022 meeting for the Program to continue until September 30, 2023 to coincide with the end of the fiscal year.

ACTION AGENDA

RS7. *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF THETFORD ADDITION (FORMERLY VAUGHN ADDITION), FOR THREE (3) SINGLE-FAMILY RESIDENTIAL LOTS WITH A WAIVER REQUEST FOR SANITARY SEWER EXTENSION, BEING ±9.99 ACRES, LOCATED AT 300 EAST VAUGHN ROAD, CASE PC22-080.

Presented by: David Jones, Community Development Director

Summary: The applicant, Ricky Roden, on behalf of the owner, Kim Thetford, is requesting approval of the final plat for the Thetford Addition (formerly Vaughn Addition), which consists of three (3) single-family residential lots, located at 300 E. Vaughn Road. The applicant has requested a waiver to the sanitary sewer extension requirement to be considered as part of the request for plat approval.

The Planning and Zoning Commission considered this request at their December 12, 2022 meeting and recommended approval with a vote of 4-0 with the following waiver:

1. Sanitary sewer extension as required per Section 154.102 of the Subdivision Ordinance is waived as requested.

RS8. *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING A REPLAT OF SANTA FE ADDITION, CREATING TWO (2) SINGLE-FAMILY RESIDENTIAL LOTS FROM ONE (1) EXISTING LOT WITH VARIANCE REQUESTS FOR MINIMUM LOT WIDTH, LOT DEPTH, AND LOT SIZE IN A SF-7 ZONING DISTRICT, BEING ±0.25 ACRES, LOCATED AT 404 AND 406 ROYAL STREET, CASE PC22-081.

Presented by: David Jones, Community Development Director

Summary: The applicant, Frank Jenkins, is requesting approval of a residential replat for the Santa Fe Addition, which consists of two (2) single-family residential lots, located at 404 and 406 Royal Street. The applicant has requested a variance to the minimum lot width, minimum lot depth, and minimum lot area for each of the proposed lots to be considered as part of the request for plat approval.

The Planning and Zoning Commission considered this request at their December 12, 2022 meeting and recommended conditional approval with a vote of 4-0 with the condition and requested variances outlined below:

1. Prior to filing the plat for recordation at the Johnson County Clerk's office, obtain written approval from all utility providers confirming the abandonment of the 8-foot utility easement along the western property line of Lot 3R1, Block 7.
2. The minimum lot width, lot depth, and lot area are approved as presented.

RS9. CONSIDER A RESOLUTION APPROVING A PARKING VARIANCE FOR FUTURE PHASES OF A PROPOSED EXPANSION AT EDEN GREEN, LOCATED AT 1845 SPARKS DRIVE, CASE GC22-015.

Presented by: David Jones, Community Development Director

Summary: The applicant, Caitlin Bobb with Kimley-Horn, is requesting approval of a 20% reduction in required parking for all future phases of a proposed expansion at Eden Green, located at 1845 Sparks Drive. The future phases of this business expansion include four (4) additional greenhouse buildings and a new office building.

Eden Green's first greenhouse building was constructed along Sparks Drive and is approximately 44,000 square feet. That building includes 49 parking spaces on-site. The second greenhouse was constructed in early 2022 as part of Phase 2 of the expansion, is approximately 82,825 square feet, and is located behind the existing greenhouse.

With the second greenhouse for Phase 2, Eden Green requested a parking reduction to allow the construction of 23 new parking spaces as opposed to the parking ratio of 1:1,000 square feet, which would have required 83 parking spaces. The City Council considered this request at the February 23, 2021 meeting and approved the parking reduction for Phase 2 with a vote of 3-2 with the following condition:

- The parking reduction remain in effect as long as the property is used for agricultural purposes.

Section 4.03.B.3.g of the Zoning Ordinance states that the City Council may consider up to a twenty percent (20%) reduction in parking requirements if the Council finds the reduction will not cause or increase congestion in the public right-of-way or negatively impact adjacent property owners. The parking ratio for the proposed use of "Greenhouse (Commercial Non-Hobby)" is one (1) parking space per 1,000 square feet of floor area and includes supportive office space. For the future phases of this expansion, the four (4) additional greenhouse buildings and new office building will total approximately 744,000 square feet of floor area, requiring a total of 744 new parking spaces. The applicant has stated that a large majority of the new greenhouse buildings will be dedicated for growth of produce. A breakdown of each building's approximate square footage and its associated parking requirement are as follows:

- Buildings 3 and 4: approximately 365,340 square feet – 366 parking spaces
- Building 5 and 6: approximately 365,340 square feet – 366 parking spaces
- Office: 10,000 square feet – 10 parking spaces

The applicant is requesting a 20% parking reduction for future phases of the expansion that would reduce the number of parking spaces from 744 to 595. The applicant has stated the proposed parking reduction will satisfy the needs of the development and will avoid the construction of unneeded parking spaces that would likely never be used.

Approval of the parking reduction does not constitute approval of a site plan or parking layout, but rather just approves the request for the reduction of the required parking spaces.

RS10. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ELDER ENGINEERING, INC FOR DESIGN SERVICES ON THE NEIGHBORHOOD STREET REBUILD - STANWOOD AVENUE /CONGER STREET PROJECT, FOR AN AMOUNT NOT TO EXCEED \$129,500.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Continuing with City Council's initiative to improve infrastructure throughout the city, the proposed project will include reconstruction of aging water and sewer lines, followed by pavement reconstruction work, on six (6) streets in the Stanwood/Conger neighborhood.

The streets included are Stanwood Street, Gleason Avenue, Prairie Avenue, Conger Street, Corson Street, and Scudder Street. The project will include replacement of all water and sewer lines and services within the right-of-way, as well as pavement restoration. In addition, new water lines will be added to eliminate occasional water quality and pressure issues caused by existing dead-end lines.

Utility line replacement in this area was slated for the next utility rebuild project. However, during the conceptual phase of the Hulen Park Area Sewer Improvements project, it was determined the optimal route for the large diameter main will traverse either Prairie Avenue or Stanwood Avenue. Constructing the neighborhood collection lines and services at the same time the large line is under construction will minimize disruption to the residents, as well as allow the city to take advantage of reduced costs and avoid duplicate effort, if done separately. Therefore, the design phase of the neighborhood rebuild project has been accelerated to align with the Hulen Park Area Sewer Improvements Project schedule.

The proposed engineering services agreement includes basic survey, easement preparation, and engineering design services for a total of \$124,500. Bid and construction phase services are to be charged hourly, for a not-to-exceed price of \$5,000. The total contract not-to-exceed amount is \$129,500, and the design phase is expected to take approximately 8 months.

The construction estimate for the project is \$4.5 million. Portions of the project will be constructed with the Hulen Park Area Sewer Improvements Project, and other portions may be done in phases, utilizing future infrastructure rebuild funds, when available. Funding for the design contract is available from remaining funds in the Hulen Park Area Sewer Improvements Project.

OR1. CONSIDER AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 98: PARKS AND RECREATION, SECTION 98.202: GOLF COURSE FEE SCHEDULE, PROVIDING FOR A NEW FEE STRUCTURE EFFECTIVE MARCH 1, 2023.

Presented by: Brian Daly, Assistant Director of Parks & Recreation

Summary: The Cleburne Golf Links opened in 2009 for the citizens and visitors of Cleburne. The current fee structure was adopted and last evaluated in 2019. Since that time, there have been no fee adjustments which has resulted in Cleburne Golf Links being in the lowest tier in the competitive market. On January 3, 2023, a public meeting was held by the Parks and Recreation Board, where they voted unanimously in favor of the recommended adjusted fee structure.

The proposed structure establishes base rate green fees for weekdays and weekends and standard discount percentages off the base rate for seniors 55 and over, active military, veterans, juniors, and twilight play. This new structure simplifies the rates and positions Cleburne Golf Links in a much more competitive position in the market.

Parks and Recreation staff recommend this new structure be effective March 1, 2023. Additionally, staff recommends that base rate green fees are reviewed annually to determine consistency with the area market and with Council's budget goals.

OC1. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE JOHN P. BRADSHAW PARK RENOVATION PROJECT AT 609 ROBBINS STREET PERFORMED BY KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARKS FOR AN AMOUNT NOT TO EXCEED \$152,538.74; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The renovations to John P. Bradshaw Park will be one of the first projects undertaken by the 2022 Sales Tax 4B Corporation Revenue Bonds. This project provides reinvestment into the City's park system. The renovation project calls for the addition new six-foot cedar privacy fence along the property line that backs up to neighbors, renovating the basketball court and installing new fencing around three sides of the basketball court, a bike rack, sidewalk, amenities, and a parking area. Additional elements, such as park signage and landscaping, will be added by staff and other contractors.

Kraftsman Commercial Playgrounds & Water Park is recommended for this project utilizing BuyBoard Contract #679-22. The proposed amount includes the base proposal of \$138,671.58 along with 10% contingency funds of \$13,867.16 for a total construction budget of \$152,538.74.

The Parks & Recreation Board considered and recommended for City Council to select Kraftsman for the renovations to Bradshaw Park at their January 3, 2023 meeting. The 4B Economic Development Board considered and recommended for City Council to select Kraftsman for the renovations to Bradshaw Park at their January 5, 2023 meeting.

OC2. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE WESTHILL PARK RENOVATION PROJECT AT 1202 CRESTVIEW DR. WORK WILL BE PERFORMED BY KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARKS (BUYBOARD #679-22) FOR AN AMOUNT NOT TO EXCEED \$315,921.03, AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The renovations to Westhill Park will be one of the first projects undertaken by the 2022 Sales Tax 4B Corporation Revenue Bonds. This project provides reinvestment into the City's park system. The renovation project calls for the addition of a two five-year-old playground structures, a pavilion with a concrete pad, picnic tables, benches, a bike rack, two new backstops with concrete footers, and a six-foot-wide walking trail along the perimeter of the park with connection sidewalks to the north and south sides of the park. Additional elements, such as park signage and landscaping, will be added by staff and other contractors.

Kraftsman Commercial Playgrounds & Water Park is recommended for this project utilizing BuyBoard Contract #679-22. The proposed amount includes the base proposal of \$287,200.94 along with 10% contingency funds of \$28,720.09, for a total construction budget of \$315,921.03.

The Parks & Recreation Board considered and recommended for City Council to select Kraftsman for the renovations to Bradshaw Park at their January 3, 2023 meeting. The 4B

Economic Development Board considered and recommended for City Council to select Kraftsman for the renovations to Westhill Park at their January 5, 2023 meeting.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418 of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

Section 551.087. Deliberation Regarding Economic Development Negotiations This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EXE1. Discuss economic development agreement related to the Johnson County Heritage Foundation, Inc.

Section 551.072. Deliberation regarding real property A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

EXE2. Update on status of mixed-use manufacturing and retail project on City-owned property and adjacent CEDF property located at 1801 Sparks Dr.

Section 551.074. Deliberation regarding Personnel Matters and Section 551.071. Consultation with Attorney The City Council may convene in executive session to receive legal advice from the City Attorney on the following matters in which the duty of the City Attorney to the City's governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code and/or to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

EXE3. Consider candidates and possible appointment of Councilmember representing Single Member District Two for an unexpired term ending May 2023.

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

CERTIFICATION

THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy of said Notice and that I posted said Notice on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net and said Notice was posted on **Friday, January 6, 2023**, by **5:00 pm** in compliance with Chapter 551, Texas Government Code.

Note: A quorum of any Cleburne board, commission, or committee may participate during this meeting.



City of Cleburne

By: Ivy Peterson
Ivy Peterson, City Secretary



Reasonable accommodations to furnish auxiliary aids or services for persons with special needs will be provided when at least two working days' notice is given. Contact the City Secretary's office at (817) 645-0908 or by fax (817) 556-8848.